

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4196 OF 2006

Binal Yadav Dharmik & Anr. .. Applicants

Versus

C.B.I. (S.C.B) Mumbai .. Respondent

Mr.Mendadkar for applicants

Ms.Poornima Kantharia, for C.B.I.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th December 2006.

P.C.

. Heard Mr.Mendadkar for applicants and
Ms.Kantharia for respondent - C.B.I. Applicants
had applied for anticipatory bail in connection

with R.C.No.11/S/06 which is registered by C.B.I. SCB Mumbai. Offences alleged are forgery and cheating, so also, criminal conspiracy punishable under I.P.C.

2. Submission of Mr.Mendadkar is that first applicant is serving with Oriental Insurance Company whereas, second applicant is his father who is serving with LIC. Both are in service. Insofar as applicant No.1 is concerned, he has been recruited in service against the post meant for S.T. candidate whereas second applicant is not recruited on the basis of his Tribe but as an Ex-servcemen.

3. These applicants had applied for anticipatory bail before the learned Sessions Judge and the same was rejected. The submission of applicants that no investigation can commence into the alleged offences unless a competent authority adjudicates into the validity and

genuineness of the caste certificate, has been expressly turned down.

4. Mr.Mendadkar states that he does not wish to enter into any larger controversy, save and except pointing out that another learned Additional Sessions Judge had enlarged similar applicants on pre-arrest bail but the relief was denied to the present applicants.

5. This matter was placed before me earlier and I had directed that the applicants should attend concerned I.O. and the details pertaining thereto are recorded in my order dated 6th December 2006.

6. Both sides do not dispute that the applicants had indeed attended and even concerned Nayab Tahsildar/Executive Magistrate was present.

7. Considering that the recruitment of first

applicant is made as early as in 1996 on the strength of the certificate whereas the second applicant being recruited under the category of ex-servicemen in February 1986 and all documents having been seized so also by imposing further conditions, present application can be granted. Hence, following order:-

i) In the event of the arrest of the applicants (1) Binal Yadav Dharmik and (2) Yadav Kashinath Dharmik, in connection with C.R.No.11/S/2006 registered with C.B.I. (S.C.B.), Mumbai the applicants shall be enlarged on bail in the sum of Rs.15,000/- each with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the C.B.I. (S.C.B) twice a month on every 1st and 15th of every month between

11.00 a.m. and 2.00 p.m. as also as and when summoned. The applicants are residing at Ahmedabad. They shall not change their residence without prior intimation to the I.O.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on

the merits of the case at the time of trial

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, they will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

Vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)